

RIGHT-OF-WAY ACQUISITION

NEBRASKA DEPARTMENT OF TRANSPORTATION

As our state, cities, and towns grow, changes to the transportation system are needed to support that growth.

Sometimes, as a part of making those improvements, it is necessary to acquire private property.

This process is called right-of-way acquisition and the citizens of the State of Nebraska, through their Legislature, have given the Agency statutory permission to acquire private property for this purpose. It involves a transfer of the property from the owner to the state in exchange for just compensation.

We understand that this can be a difficult and inconvenient process, however, right-of-way acquisition is a necessary event in the normal course of progress. This document serves as a guide to help you understand the process and know your rights.



FOR MORE INFORMATION:
NDOT Right of Way Division
P.O. Box 94759
Lincoln, NE 68509-4759
402-479-4761



NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

THE ACQUISITION PROCESS



IDENTIFY NEED

The Agency determines that there is a need to improve the transportation system, using a combination of long- and short-term planning, data analysis, and stakeholder and public engagement.



PROJECT DEVELOPMENT

Next, the Agency develops a project to address that need. During that process, the Agency sometimes identifies that the acquisition of private property will be required for the project's construction.

ACQUISITION PROCESS TRIGGERED



OFFER

Next, as an owner you will be contacted by a right-of-way agent, who will make a written offer for the property.

Appraisals are made for the mutual benefit of property owners and the Agency. It is the responsibility of the landowner to notify the Agency of any value added matters or any possible loss due to damage that may have been overlooked in the appraisal.

The Agency will provide you a reasonable amount of time to consider the offer and to ask questions.



VALUATION

After the acquisition process has been triggered, the **fair market value** of the subject property is determined.

Real property will be appraised before the initiation of negotiations. Landowners will be given the opportunity to accompany the appraiser during inspection if the acquisition is valued at \$10,000 or more.

The Agency will establish the just compensation that will be offered for your property.



PAYMENT

Once documents are executed and delivered, payment is furnished to you by mail or by electronic transfer. At that time, the Agency takes possession of the property.



RELOCATION ASSISTANCE

If you need to move because your home has been acquired, or if you must relocate your business or farm operation, relocation assistance will be provided.

For more information, please review the Relocation Assistance brochure.

IF AN AGREEMENT CANNOT BE REACHED

If an agreement between the landowner and the Agency cannot be reached, the Agency will begin formal condemnation (eminent domain) proceedings on the property. Condemnation is a means to settle honest disagreements, protecting both you and the Agency during the process. In this action, the County Court appoints three local property owners as a Board of Appraisers. This board examines the arguments on both sides, then issues a formal report of its finding of the property's value. This report sets the condemnation award and once the award is deposited in the courts, the Agency takes possession of the property. If you or the Agency disagree with the Board of Appraisers' award amount, either may appeal to the District Court for further consideration.

For more detailed information on the Acquisition Process, visit: <https://dot.nebraska.gov/business-center/row/negotiations/>